IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 240 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

INDUMATIBEN MAGANBHAI PATEL

Versus

NATHUBHAI @ JAGUBHAI KESHAVBHAI PATEL

Appearance:

MR BJ JADEJA for Petitioners

MR SN SHELAT for Respondent No. 1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 19/06/2001

ORAL JUDGEMENT

1. This Appeal From Order is filed by original plaintiffs of Spl. Civil Suit No. 552 of 1993 pending before the Civil Judge (SD), Surat, against an order

passed by Civil Judge (SD) on 31.5.1994 below application Exh. 5 for temporary injunction, whereby learned Civil Judge (SD) rejected the Application - Exh. 5 of the plaintiffs. The suit is filed by the plaintiffs for

restraining the defendant from interfering their possession of the suit property, in which, the Application Exh.5 was filed by the plaintiffs for temporary injunction till disposal of the suit.

2. During hearing, fact emerges that the suit is as old as of 1993. This Appeal is also filed in 1994. Therefore, after hearing learned Advocates for both the parties, this Appeal can be disposed of with the following directions :

" Trial Court i.e. learned Civil Judge (SD) at Surat is directed to dispose of Spl. Civil Suit No. 552 of 1993 filed by the present appellants within three months from the date of writ of this Court or producing a certified copy of the writ of this Court by any of the parties, whichever is earlier. In any case, suit in question should not be prolonged beyond the period as directed above. In the meanwhile, i.e. till the disposal of the suit, the order of status quo as granted by this Court in Civil Application No. 3236 of 1994 on 25th July, 1994 and confirmed on 7.9.1997 shall be operative with a clarification that the status quo is to be considered as the plaintiffs were in possession on 25th July, 1994. "

3. Learned Advocates for the parties assure the court that the parties shall cooperate with the Trial Court in disposal of the suit within the period as directed above.

4. With this order, this Appeal is disposed of with no order as to costs. Office is directed to transmit the writ of this order as expeditiously as possible.

(J. R. Vora, J.)

p.n.nair